

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§15–402.

(a) In order to secure efficient management and proper ventilation of the mine, promote the health and safety of the persons employed, and protect and preserve the property connected with it, the operator of any coal mine in the State shall employ a competent and practical mine foreman in every mine where eight or more persons are employed. Except in a nongassy mine, the mine foreman shall possess a first-class mine foreman's certificate of competence. He shall have charge of the mine under the supervision and control of the operator.

(b) In a mine in which seven or less persons are employed, the mine operator himself shall hold or shall employ a person who holds a permit of competence issued by the mining authority as provided for in Subtitle 3 of this title. The mine foreman need not possess a first-class mine foreman's certificate of competence.

(c) If the mine workings become so extensive that the mine foreman is personally unable to discharge his duties, the operator shall employ a sufficient number of competent persons or assistants who have the same qualifications as the mine foreman. However, if any emergency arises making it impossible for any operator to secure the immediate services of a certified or qualified person, he may employ any qualified and experienced person as mine foreman or assistant mine foreman for a period not exceeding 30 days, subject to the Bureau's approval.

(d) The mine foreman shall devote his entire time to his duties when the mine is in operation. Subject to the supervision and control of the operator, he has charge of the inside workings of the mine and any person employed there. He shall see that any applicable provision of this title, and rules and regulations made pursuant to it are strictly obeyed. For this purpose, the mine foreman, personally or by an assistant shall:

(1) Visit each working place each day while the employees are at work, to see that it is properly timbered, drained, secured, and reasonably safe and that a sufficient supply of timber and other facilities is on hand ready for use;

(2) See that any loose coal or other dangerous material is taken down or secured, especially upon traveling ways and airways, standing water is drained from passageways and working places, explosive and noxious gases and dangerous accumulations of dust are removed, and rock dusting is properly done so that in general the ventilation, stoppings, doors, timbering, drainage, equipment, electrical

installations, traveling and airways, trackage, and other mine works and ways are in good working order and reasonably safe condition;

(3) Instruct every employee in safety measures, including the placing of timber to prevent falls and other accidents and the safeguarding of moving parts of machinery which may injure persons passing nearby so that at all times, as required by this subtitle, every person and property is protected against any mining risk;

(4) Promptly attend to the removal of any dangerous conditions coming to his knowledge and, in case it is not feasible, immediately to remove the danger and order every person whose safety is menaced to leave and remain away from the vicinity of the danger until notified that it has been removed;

(5) Post danger signals of uniform type across the entrance to any mine, portion of the mine, or other conspicuous point in case of danger, and see that the signals are kept there until the danger has been removed; and

(6) Report immediately to the operator of the mine if the ventilation or other machinery fails to discharge its functions adequately, or upon discovery of accumulations of gas, water, or any other unusually dangerous condition.

(e) If assistant mine foremen are employed, they shall assist the mine foreman in complying with the provisions of this subtitle. In the absence of the mine foreman, the superintendent shall designate an assistant to perform the duties of the mine foreman. The assistant is subject to the same penalties as the mine foreman for any violation of this subtitle or rules or regulations made under it.

(f) The superintendent or mine foreman in direct charge of the operation of any mine is the agent of the operator. He is jointly responsible with the operator for any failure to comply with the provisions of this subtitle or rules or regulations made under it which govern operators or agents.

(g) The mine foreman, or his assistant on each day the mine works, shall enter plainly and sign in ink, in a book provided for the purpose, a report of the condition of the mine and of his examination of it made on that day and he shall include the following facts:

(1) Any danger or dangerous condition observed or reported, and what steps have been taken to remedy the condition;

(2) If there is a proper supply of material on hand for the safe working of the mine;

(3) If the requirements of this subtitle are complied with; and

(4) If the mine is gassy, a report of all air measurements within the mine as elsewhere required to be taken.

(h) If the mine is not gassy, a weekly report of all air measurements in the mine are to be taken as required elsewhere. Each report shall be kept in the foreman's office for examination by the district mine inspector and any person employed at the mine.

(i) The mine foreman each day carefully shall read and countersign with red ink any report entered on the record book of the fire boss.

(j) The mine foreman, on behalf of the operator, shall report immediately to the district mine inspector any violation of this subtitle. The foreman shall make an immediate report to the inspector and mine operator upon the occurrence of any serious or fatal accident on the form the Bureau prescribes.

(k) If the mine foreman or assistant mine foreman violates any provision of this subtitle, or by neglect or for any other cause becomes incapable of properly discharging his duties, the district mine inspector, after investigation, shall prefer charges before the examining authority and take any additional steps the nature of the situation requires.

(l) A mine official, worker, or other person may not solicit or receive any money or other consideration from any person to procure or continue employment for any person, or procure any favor, promotion, advantage, or facility in employment in or about the mine.

[\[Previous\]](#)[\[Next\]](#)